IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil Application No. 2159 of 2005
in
Writ Petition NO. 4829 of 2002

Vijay Ramakant Shah & Ors. ... Applicants / Petitioners

vs.

Daman Municipal Council & ors. ..... Respondents

Mr. C. M. Kothari for Applicants
Mr. R. V. Govilkar for Respondents

CORAM: **F. I. REBELLO & ROSHAN DALVI JJ.**
Date: 19/11/2005

P.C.

1. The Petitioners are admittedly functioning from the market in which they are allowed to occupy an area on payment of daily charges. There are timings for occupying those places. When the petition was earlier filed a learned Bench of this court had passed an order dated 4th Oct 2002, which indicates that the vendors are allowed to sell the goods in the market upto 9 p.m. So far as providing wooden platforms it was pointed out on behalf of the counsel that it was under consideration. Counsel has thereafter passed a resolution that it would not be possible to give permission to keep the boxes.

2. By this application what the applicants seek is

to restore the position of each Petitioner in respect of the vegetable articles, as of 21st July 2005. Considering the facts that the vendors have a right to occupy the place on particular hours on particular dates they cannot claim any right thereof. In these circumstances the prayer clauses cannot be granted. So far as the prayer for compensation they are at liberty to approach the court having such jurisdiction.

With the above directions this civil application is disposed of.

(F. I. REBELLO J.)

(ROSHAN DALVI J.)